

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in light of the following discussion, is respectfully requested.

Claims 25-50 are pending in this case.

In the outstanding Office Action, Claims 25, 28-30, 33, 34, 36-38, 41-43, 46, 47, 49, and 50 were rejected under 35 U.S.C. § 103(a) as unpatentable over Hauck (U.S. Patent No. 6,977,932) in view of Del Regno, et al. (U.S. Pub. No. 2005/0220107, herein “Del Regno”), further in view of Chu, et al. (U.S. Patent No. 7,486,684); Claims 26, 27, 39, and 40 were rejected under 35 U.S.C. § 103(a) as unpatentable over Hauck in view of Del Regno and Chu, further in view of Mononen (U.S. Patent No. 7,050,403); Claims 31 and 44 were rejected under 35 U.S.C. § 103(a) as unpatentable over Hauck in view of Del Regno, Chu, and Mononen, further in view of McFaden, et al. (U.S. Pub. No. 2004/0114518, herein “McFaden”); Claims 32 and 45 were rejected under 35 U.S.C. § 103(a) as unpatentable over Hauck in view of Del Regno and Chu, further in view of McFaden; and Claims 35 and 48 were rejected under 35 U.S.C. § 103(a) as unpatentable over Hauck in view of Del Regno and Chu, further in view of Drwiega, et al. (U.S. Patent No. 6,842,463, herein “Drwiega”).

At the outset, Applicants and Applicants’ representative thank Supervisory Patent Examiner Shah and Examiner Shivers for the courtesy of an interview with Applicants’ representative on July 12, 2010. The discussion during that interview is substantially reflected in the remarks herein.

Applicants respectfully traverse the rejections of the pending claims.

With regard to Claim 25, the outstanding Office Action asserts Hauck as teaching every element except the features recited for the classifier, which it asserts Chu as teaching, and the features recited for the multiplexer, which it asserts Del Regno as teaching.

Specifically, the outstanding Office Action asserts the LSR 110 of Hauck as teaching a multiplexer and asserts Del Regno as teaching a “multiplexer that prioritizes a packet received from the voice network over a packet received from other internal networks.”

First, the LSR 110 of Hauck does not teach or suggest any multiplexer at all.

Fig. 1A of Hauck, which is cited by the outstanding Office Action, itself clearly shows that the LSR 110 does not multiplex the micro-flows from each of the LSPs. Hauck is discussed in greater detail after the discussion of the deficiencies of Del Regno.

Further, Del Regno does not teach or suggest a multiplexer that prioritizes a packet, as defined by Claim 25, at all.

Paragraphs [0112] and [0113] of Del Regno describe QoS-related logical functions on two logical ports 1110 and 1112, which are layer-2 sub-interfaces residing on a physical interface. The logical ports implement one or more QoS functional modules like classifiers, policers, switches, etc. As shown at Figures 10 and 11, the physical port 1120, which may be coupled to a layer 2 switch 118, multiplexes the outputs of multiple logical ports (which implement QoS functional modules) onto a transmission medium.

However, as Figures 1, 2, 12, and 13 of Del Regno and the related descriptions clarify, the switch 118 does not output a single multiplexed output at all but, instead, has a separate output for each access service class (Figures 12 and 13 show separate logical port/physical port sets per access service class).

Most significantly, the paragraph ([0120]) cited as teaching the prioritizing multiplexer in Del Regno does not describe a multiplexer prioritizing packets but, instead, refers to Fig. 13, which illustrates three switches 118 and describes that a “traffic stream marked as high priority...may receive preferential treatment in comparison to other flows as it undergoes queuing and forwarding in the network elements, such as a series of layer 2 switches 118.”

That is, flows across multiple switches 118 may be prioritized in Del Regno, but no multiplexer that multiplexes packets prioritizes those packets, as required by Claim 25. This is at least because the physical port 1120, which multiplexes the outputs of multiple logical ports, as described with reference to paragraphs [0112] and [0113], does not prioritize flows across switches 118 in Del Regno, as described at paragraph [0120].

Thus, Del Regno does not cure the conceded deficiencies of Hauck with regard to a multiplexer “that prioritizes a packet,” as recited by Claim 25.

Chu does not cure the deficiencies of Del Regno with regard to Claim 25 and is not asserted for the features discussed above as deficient in Hauck and Del Regno.

Therefore, Hauck, Del Regno, and Chu, even in combination, do not establish a *prima facie* case of obviousness against Claim 25.

The above discussion addresses the rejection of Claim 25 in the outstanding Office Action. However, during the interview, the discussion began with an understanding that the LSR 110 does not teach a multiplexer, and Supervisory Patent Examiner Shah requested more information as to why Hauck could not be modified with a prioritizing multiplexer, if one were found in a further search.

Thus, in the interest of expediting the prosecution of this application and based on the request of Supervisory Patent Examiner Shah, an additional discussion of Hauck follows.

Hauck describes network tunneling utilizing flow state information to provide adequate QoS. As shown at Figure 1A of Hauck, a micro-flow LSP network domain 100 is coupled between conventional network routers 104. Although not specified, the outstanding Office Action appears to assert the plurality of network routers 104 on each side of the micro-flow LSP network domain 100 as the first and second external networks. The ingress LSR 102, which includes ingress linecards 200a and 200b and egress linecard 200c, converts flow data arriving at the ingress LSR 102 into a micro-flow and selects a Label Switched Path

(LSP) based on a QoS requirement of the micro-flow. The egress LSR 110, which is asserted, at page 3 of the outstanding Office Action, to teach the multiplexer recited by Claim 25, routes the data packets based on encapsulated data. As shown in Figure 1A of Hauck, the egress LSR 110 routes a packet to one of a plurality of network routers 104.

During the interview, it was suggested that, because each of the network routers 104 is labeled similarly, the network routers 104 to the right of the LSR 110 at Fig. 1A may have the same destination such that multiplexing outputs from each LSP at the LSR 110 and alternating the transmission of the multiplexed output among the network routers 104 may provide load balancing.

Applicants note, as acknowledged by Supervisory Patent Examiner Shah during the interview, that Hauck cannot be asserted to teach a common destination for every network router 104 when Hauck is completely silent regarding that information.

Further, column 7, lines 45-60, which is one of the few portions discussing the LSR 110 at all in Hauck, describes that the LSR 110 routes data packets via the encapsulated data. The ingress LSR 102 is the LSR that encapsulates the data used by the egress LSR 110 to route the data packets. As described at column 10, line 36-51, of Hauck, the destination address and destination port are among the information used to create a unique identifier for a micro-flow created or identified by a linecard 200 of the ingress LSR 102. Thus, the discussion of the use of destination address to create a unique identifier for a micro-flow certainly indicates that each micro-flow of Hauck is designated for an individual destination in the network such that multiplexing the micro-flows of the different LSPs at LSR 110 would derogate MPEP § 2143.01 by rendering the system of Hauck unfit for its intended purpose of routing the micro-flows to their designated destinations.

As noted above, the proposed combination of Hauck, Del Regno, and Chu fails to establish a *prima facie* case of obviousness against Claim 25.

Further, none of Mononen, McFaden, and Drwiega, which are asserted additionally against dependent claims, cures the deficiencies discussed above with regard to the combination of Hauck, Del Regno, and Chu. Thus, Applicants respectfully request that the rejections under 35 U.S.C. § 103(a) of Claim 25 and Claims 26-37, which depend therefrom, be withdrawn.

Claim 38, though differing in scope and statutory class from Claim 25, patentably defines over the combination of Hauck, Del Regno, and Chu, as well as Mononen, McFaden, and Drwiega for reasons similar to those discussed above with regard to Claim 25. Thus, Applicants respectfully request that the rejections under 35 U.S.C. § 103(a) of Claim 38 and Claims 39-50, which depend therefrom, be withdrawn.

Accordingly, the outstanding rejections are traversed and the pending claims are believed to be in condition for formal allowance. An early and favorable action to that effect is, therefore, respectfully requested.

Respectfully submitted,

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